

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 22-CR-10038-IT
)	
ARIEL LEGASSA)	

Defendant's Requested *Voir Dire* Questions

Defendant Ariel Legassa hereby requests individual *voir dire* of each prospective juror and that the court permit counsel to ask the following questions with appropriate follow up. Alternatively, if the court does not permit counsel to question prospective jurors, Mr. Legassa requests that the court ask the following questions and permit counsel to ask appropriate follow up questions.

A. Decision making.

You are going to hear testimony from witnesses and it will be up to you to decide whether the witnesses are telling the truth or whether you believe what they say. This is likely something you have done many times in your own life.

1. How do you assess whether to believe what a person says? What factors you consider?
2. Before each witness testifies, the witness will raise a hand and swear to tell the truth. Do you believe that a person who swears to tell the truth is more likely to tell the truth simply because the witness has taken an oath to tell the truth? Why or why not?

B. Defendant's silence.

I have instructed [will instruct] you that like every defendant in a criminal case, Mr. Legassa has the absolute right to remain silent. He does not have to testify, call any witnesses to testify, or present any evidence. He can rely solely on challenging the government's evidence during cross-examination of the government's witnesses during its case. Once the government has finished presenting its evidence, Mr. Legassa does not have to do or say anything, or present any evidence of his own. He may choose to present evidence or testify, but he does not have to.

1. If Mr. Legassa chose not to testify, would that in any way make you think that he is guilty? why or why not?
2. Do you believe that an innocent person would choose to testify? Why or why not?

C. Defendant's testimony.

I have instructed [will instruct] you that Mr. Legassa is presumed innocent. That means that he is actually innocent. He will remain innocent unless and until you decide that the government has proven his guilt beyond a reasonable doubt. That burden remains on the government even if Mr. Legassa chooses to testify. If Mr. Legassa does choose to testify, that burden does not change. It does not become Mr. Legassa's burden to persuade you, through his testimony, that he is innocent. It remains the government's burden to prove his guilt beyond a reasonable doubt.

1. Do you understand that the burden of proving Mr. Legassa's guilt remains with the government even if Mr. Legassa chooses to testify?

2. Do you think that you could hold the government to that burden even if Mr. Legassa were to testify and that you would not decide the case solely on what you think of his testimony?

D. Race and ethnicity.

Mr. Legassa is Latino. English is not his first language.

1. Do you think that Mr. Legassa's race or ethnicity will have any influence how you look at the evidence and reach a decision? Why or why not?
2. Do you think that Mr. Legassa's race or ethnicity will make it harder for you to presume his innocence? Why or why not?
3. Do you think you consider him just as innocent as you would a white person whose native language is English who was charged with the same crimes, before you heard any evidence? Why or why not?
4. Most of the witnesses are white and English is their native language. Do you think that will influence how you decide what you think about their testimony? Why or why not?
5. Does a white native English speaking witness start off in your mind with more credibility than someone who is not a white native English speaker? Why or why not?

E. Law enforcement witnesses.

I expect that some of the witnesses will be FBI agents.

1. Do any of you have any law enforcement officers in your immediate family or among your close, personal friends? Identify and describe your relationship.

2. If so, do you think that will influence how you view the evidence and decide whether the government has proven Mr. Legassa's guilt beyond a reasonable doubt?
3. Do you think you are more likely to believe what an FBI agent witness says simply because the witness is an FBI agent? Why or why not?
4. Does an FBI agent witness start off in your mind with more credibility than someone who is not an FBI agent? Why or why not?
5. How would you assess whether to believe what an FBI agent witness says, what factors would you consider?

F. Publicity

This case has been reported in the media. The media may cover the case as the trial proceeds.

1. Have you heard, read, or watched media coverage about this case? Please provide details.
2. Have you formed any opinions of the merits of this case based on what you have heard, read, or watched?
3. Do you think that you will start off in your mind with an idea or notion that Mr. Legassa is innocent or guilty because of what you have heard, read, or watched? Why or why not?

G. Fair and impartial

1. Is there anything about you that you think we should know before we decide whether we might want you to be a juror who will decide this case?

2. Do you think you would be a good juror? Why or why not?

ARIEL LEGASSA

By his attorney,

/s/ E. Peter Parker

E. Peter Parker

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 6, 2023.

/s/ E. Peter Parker

E. Peter Parker